THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12210 of 2006

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the first respondent in issuing impugned proceedings Rc.No.C2/520/2006 dated 4.6.2006 canceling the petitioner-Fair Price Shop dealership unilaterally as illegal and arbitrary.

The learned counsel for petitioner submits that the petitioner submitted his explanation stating that since the flooring of the Fair Price Shop was damaged, he shifted the rice to a private house of Sri Satyanarayana Reddy, MPTC Member. The said explanation was not considered by the respondents. It is not the case of the respondents that the rice stored at that particular place was being diverted for black-market purpose. In the absence of any such allegation and any finding in that regard, the cancellation of authorization of the petitioner is bad in law. Further, no proper opportunity was given to the petitioner to participate in the enquiry.

From the charges framed and the findings recorded by the first respondent in his proceedings dated 4.6.2006, prima facie, it was not proved that the petitioner has diverted the rice for black-market purpose. This is only a case of storing the material at a different place. For that the petitioner gave his explanation stating that since the flooring of the fair price shop was damaged, therefore he had to store the same at a different place and he has no intention to divert them to black-market.

I have perused the impugned order and other material made available on record.

Since, the petitioner has already availed alternative remedy by way of filing appeal before the third respondent-Joint Collector and the same is pending, no opinion can be expressed on the merits of the case.

In view of the facts and circumstances of the case, the respondents are

directed to maintain status quo as on today with regard to fair price shop dealership of the petitioner during the pendency of appeal before the third respondent-Joint Collector. The third respondent-Joint Collector is directed to dispose of the appeal itself within a period of three months from the date of receipt of a copy of this order, as per law.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 20.6.2006

Note:

Issue C.C. by tomorrow.

B/o

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12210 of 2006

20.6.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12210 of 2006

Dated: 20th June, 2006

Between:

D.Kiran

.. Petitioner

and

The Revenue Divisional Officer,

Khammam and others.

.. Respondents